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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA (San Francisco)**

**In Re:**

**PROS RIVERA,  
Debtor,**

**Civil Number: CV 07-04333PJH**

**CHERIE IVEY,  
Plaintiff,**

**Bankruptcy No.: 05-32090 TEC  
Adversary Proceeding No. 05-3441**

**vs.**

**PROS RIVERA,  
Defendant.**

**EX PARTE “EMERGENCY”  
APPLICATION AND MOTION FOR AN  
ORDER GRANTING A ONE WEEK  
EXTENSION TO FILE THE  
APPELLANT’S OPENING BRIEF DUE  
TO ILLNESS OF ATTORNEY FOR  
APPELLANT**

Willie E. Phillips, Attorney for the Plaintiff/Appellant hereby applies for an “Emergency” Court Order Extending the Deadline to serve and file the Appellant’s Opening Brief from November 13, 2007 for one week to November 20, 2007.

This Ex Parte “Emergency” Application and Motion is made on the grounds of illness of the Attorney for the Appellant. Attorney Phillips became very ill with a cold or flu on Friday night November 9, 2007 and continues to be ill as of today November 13, 2007. Because of this being a medical emergency on the weekend and Monday (November 12, 2007) being the Veteran’s Day Holiday with the Court’s being closed, there has not been an opportunity to provide the Court with a

1 Noticed Motion. There has not been a prior Extension requested and there is no detriment nor adverse  
2 effect on the Appellee.

3 This Ex Parte "Emergency" Application and Motion is based on the attached Declaration of  
4 Appellant's Attorney Willie E. Phillips and Memorandum of Points and Authorities served by fax on the  
5 Appellee's Attorney and filed herewith.

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7 Date: November 13, 2007

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11 Willie E. Phillips, Attorney for Plaintiff/Appellant  
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